

ROTH & ROTH, LLP

192 LEXINGTON AVENUE, SUITE 802, NEW YORK, NEW YORK 10016
ROTHANDROTHLAW.COM T: (212) 425-1020 F: (212) 532-3801

September 26, 2024

VIA ECF

Hon. Mark W. Pedersen
United States Magistrate Judge
2720 U.S. Courthouse
100 State Street, Rochester, NY 14614

Re: *Vann v. City of Rochester et al*,
18-cv-6464 (EAW)(MJP)

Dear Judge Pedersen,

I am writing to request permission to supplement the memorandum of law in support of Plaintiff's motion for sanctions, filed on September 20, 2024 (ECF 177). The purpose of this supplement is to update my requested hourly rate and corresponding fee calculations based on a recent judicial decision.

In our original memorandum, I requested an hourly rate of \$600. This request was based in part on an agreement by the Long Island Railroad and Metropolitan Transportation Authority to pay me at that rate in the case *Roth & Roth, LLP v Long Island Railroad and Metropolitan Transportation Authority*, Index No. 158366/22 (Supreme Court, New York County).

However, on September 25, 2024, Justice Arlene P. Bluth held a hearing on the fee application in that case and awarded me a rate of \$675 per hour. Justice Bluth specifically found that "\$675 an hour for Mr. Shields who has been admitted since 2013, more than a decade, is also within reason." (See attached Exhibit A, transcript p. 58, lines 2-17).

In light of this recent judicial determination, I respectfully request to update the fee calculations in the motion for sanctions as follows:

1. For the original motion to compel and for sanctions (20.2 hours): Original request: \$12,120 Updated request: \$13,635
2. For the instant motion for sanctions (14.9 hours to date): Original request: \$8,940 Updated request: \$10,057.50
3. Total requested fees: Original request: \$21,060 Updated request: \$23,692.50
4. With the requested 2.0 multiplier: Original request: \$42,120 Updated request: \$47,385

We note that, as stated in our original motion, we will further supplement the total amount requested to include any and all time spent reviewing any opposition to the motion and drafting and filing any reply papers.

We respectfully request the Court's permission to supplement our memorandum with these updated calculations based on the new hourly rate of \$675 per hour for Mr. Shields.

Thank you for your consideration of this request.

Respectfully Submitted,

~/s/~/

Elliot Dolby Shields

cc: All Parties (via ECF)